

Applicant notes with appreciation that the Office Action again indicates that the drawings filed on May 21, 2001 are acceptable.

Applicant notes with appreciation the Examiner's acknowledgement of the claim to priority and indication that the certified copies of the priority documents have been received.

II. PRIOR ART REJECTIONS

A. Claims 1, 7 and 13

Claims 1, 7 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2001/0044840 A1 (Carleton) in view of U.S. Patent No. 6,434,514 (Chen). This rejection is traversed.

The Examiner asserts that it would have been obvious to include the teachings of Chen in the system of Carleton in order to provide a network monitoring system that can receive requests from the user and provide on-demand analytical reports of the network based on the user request.

Carleton is directed to a method of monitoring and surveillance of a computer network according to a set of business rules. The method of Carleton applies business rules to the network monitoring so that designated users are notified according to user-defined escalation levels when a device violates a business rule. For example, if a network operator does not respond within a given time after being notified by an e-mail alert, the alert is escalated to a higher level of urgency, such as notification by phone or pager (see Figs. 16-18). The escalation of the alert levels makes it possible to give a problem an increasing level of attention.

In the amendment filed on October 23, 2003, Applicant argued that neither Carleton nor Branton teaches or suggests to display information based on a comparison of received network information with a display condition, as set forth in independent claims 1, 7 and 13. Applicant also argued that neither Carleton nor Branton teaches or suggests a network monitoring apparatus that allows a user to set display information defining the information to be displayed and to monitor an amount of information flowing along an interconnecting device of a network.

Applicant submits that the new Chen reference fails to make up for these deficiencies of Carleton and Branton. Chen is directed to a graphical user interface for an inter-office facility, which monitors equipment in the facility according to a rule-based system. Chen does not teach or suggest a network monitoring apparatus that allows a user to set display information that defines information to be displayed, as set forth in independent claims 1, 7, and 13. Rather, the apparatus of Chen allows the user to define rules for a rule-based capacity management program (see column 6, lines 38-43). The rules define things such as specific configurations for pieces of equipment, equipment performance parameters, equipment endurance estimations, etc. (see column 4, lines 44-57). Applicant submits that this is substantially different than the claimed feature of allowing a user to set display information that defines information to be displayed.

Therefore, Applicant submits that the combination of Carleton and Chen does not form the invention defined by independent claims 1, 7, and 13.

Also, Chen fails to provide a suggestion to modify Carleton. Thus, Applicant submits that the rejection of these claims under 35 U.S.C. § 103(a) is improper.

B. Claims 2-5, 8-12 and 14-21

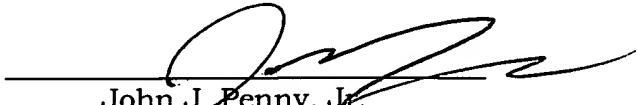
Claims 2-5, 8-12 and 14-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carleton in view of Chen as applied to claim 1, 7 and 13, and further in view of U.S. Patent No. 5,974,237 (Shurmer). This rejection is traversed.

Applicant submits that Shurmer fails to make up for the above-noted deficiencies of Carleton and Chen. Therefore, since the combination of Carleton, Chen and Shurmer fails to form the invention defined by claims 2-5, 8-12 and 14-21, Applicant submits that the rejection of claims 2-5, 8-12 and 14-21 under 35 U.S.C. § 103(a) is improper.

Therefore, Applicant submits that the present application is now in condition for allowance. If the Examiner believes that any of the outstanding issues could be resolved through a telephone interview, Applicant kindly requests the Examiner to contact the undersigned at the number below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,


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